

**DEPARTMENT OF THE ARMY
HEADQUARTERS, XVIII AIRBORNE CORPS AND FORT BRAGG
INSTALLATION BUSINESS OFFICE – CONTRACTING
POST OFFICE DRAWER 70120
FORT BRAGG, NORTH CAROLINA 28307-0120**

AFZA-IBO-C

24 August 1998

STANDING OPERATING PROCEDURE

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SECTION 1 – GENERAL PROVISIONS

1-1. PURPOSE. To establish policies and procedures pertaining to acquisitions issued under authority contained in Federal Acquisition Regulation (FAR), DOD FAR Supplement (DFARS), Army FAR Supplement (AFARS), FORSCOM FAR Supplement (FFARS), Fort Bragg Regulation 715-1, Fort Bragg Regulation 715-3, and other applicable acquisition documents.

1-2. APPLICABILITY. This SOP applies to all acquisitions involving the use of appropriated funds made in support of this command. Acquisitions using nonappropriated funds shall follow policies and procedures in AR 215-4, Nonappropriated Fund Contracting. FAR, DFARS, AFARS, and FFARS will be followed as applicable.

1-3. MISSION. Serves as a member of the Post Directorate Staff with coordinating responsibility for contracting. The Installation Business Office-Contracting (IBO-C) is the principal staff assistant for contractual matters. The IBO-C plans, directs and supervises purchasing and contracting for supplies, construction, services, and for educational training and other services required for the installation and assigned customers. Provides contracting support using nonappropriated funds for morale, recreation and welfare purposes estimated to exceed \$100,000 and other actions when requested by the Chief, NAF Procurement.

1-4. STAFF RELATIONSHIPS. Serves as principal advisor to the Garrison Commander and his staff for all contractual matters.

1-5. ORGANIZATIONAL STRUCTURE. The IBO-C is composed of: Office of the Director, Support Division, Contracting Division, Contract Administration Division, Purchasing Division, 82d Abn Division Contingency Contracting Section, and XVIII Abn Corps Contingency Contracting Section.

1-6. FUNCTIONS.

a. Director of Contracting:

- (1) Advises and assists the Garrison Commander in the appointment, training and guidance of source selection authorities, and advisory and evaluation boards.
- (2) Ensures a positive program for audit tracking.
- (3) Serves as appointing authority for ordering officers, IMPAC certifying officials and cardholders.
- (4) Serves as the Installation Procurement Career Program Advisor. Administers the Procurement Training Program.
- (5) Serves as the Installation's approving authority for unauthorized commitments not to exceed \$25,000.
- (6) Furnishes direction, advice and assistance to Nonappropriated Fund (NAF) activities.
- (7) Implements the Installation Small and Disadvantaged Business Utilization Program.
- (8) Serves as the Installation's Competition Advocate. Develops and executes a program to ensure maximum competition.

b. Support Division:

- (1) Trains, supervises and performs technical review of ordering officers.
- (2) Administers the Management Control Program.

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- (3) Reviews contractual actions to assure compliance with statutes and regulations.
- (4) Develops policies and procedures for the IBO-C.
- (5) Prepares procurement action reports, monthly procurement summaries, and other procurement data. Develops management information identifying trends and management indicators.
- (6) Administers the Installation's Small Business Program and is responsible for planning and conducting a program to meet assigned goals.
- (7) Coordinates DD Forms 350 IAW reporting instructions.
- (8) Provides procedures for tracking contract audit reports.
- (9) Implements and administers the Army Travel Charge Card Program.
- (10) Provides administrative support to the IBO-C.
- (11) Serves as focal point for the Automated Contracting System.
- (12) Develops budget and maintains internal funding and budget records.
- (13) Performs cost and price analysis.
- (14) Serves as personnel coordinator.
- (15) Coordinates and plans for future operations and special projects.
- (16) Coordinates processing of Freedom of Information Act (FOIA) requests and Congressional inquiries.
- (17) Manages the IBO-C training program.
- (18) Maintains and performs closeout for purchase orders, delivery orders and blanket purchase agreements issued using simplified acquisition procedures.
- (19) Develops and maintains local clauses and matrices.
- (20) Responsible for implementation and management of the International Merchant Purchase Authorization Card (IMPAC) program for XVIII Abn Corps and Ft Bragg.

c. Purchasing Division:

- (1) Responsible for planning, soliciting, executing, and administering supplies, services and construction (\$100,000 or less) procurements using simplified acquisition procedures to support all assigned customers.
- (2) Provides data for use in preparing procurement action reports. Prepares management reports as required.

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- (3) Resolves all adverse actions associated with the simplified acquisition requirements.
- (4) Performs contract administration on orders issued.
- (5) Coordinates procedures and completes reports for unauthorized commitments.
- (6) Assists and advises supported activities on purchasing procedures and availability of material and services.
- (7) Implements and executes established acquisition programs such as small business and increased competition.

d. Contracting Division:

- (1) Plans, directs, coordinates and supervises the procurement of supplies, services, and construction by contracting for on-post and off-post units, activities and elements required to be supported under the installation mission assignment in excess of the Simplified Acquisition Threshold (\$100,000).
- (2) Initiates and completes appropriate contracts for the acquisition of supplies, services, and construction needs to support all assigned customers.
- (3) Assists in the planning and development of proposed installation commercial activities projects, to include assistance in developing performance work statements, and plans transition to contract performance.
- (4) Assists customer activities in preparing and executing Advance Acquisition Planning Program to ensure efficient and economical use of allotted time and funds.
- (5) Implements and executes established acquisition programs such as small business and increased competition.
- (6) Processes unauthorized commitments pertaining to Contracting Division.
- (7) Provides procurement assistance and advice to supported activities on matters dealing with procurement actions.
- (8) Resolves all adverse actions associated with the acquisition requirements.
- (9) Responds to and settles inquiries, protests and congressionals.

e. Contract Administration Division:

- (1) Administers contracts from award to close out.
- (2) Coordinates technical and administrative efforts to ensure the government's best interest is served in receiving the goods and services established by the contract.
- (3) Prepares and issues modifications, administrative changes, and termination agreements, and performs property administration functions.

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(4) Issues contracting officer decisions; replies to Congressional inquiries, litigation documents, and cure and show cause notices as required.

(5) Appoints and conducts semi-annual training of Contracting Officer Representatives and oversees the quality assurance, surveillance and evaluation of contract performance and the quality assurance, surveillance and evaluation conducted by Business Centers.

(6) Approves payments to contractors.

(7) Processes contracts for close-out, retention and disposal.

1-7. CONGRESSIONALS. The Congressional Office contacts the IBO-C when there is a congressional inquiry. The document is picked up and given to the Director for review, who assigns it to the appropriate division for action. All congressionals are suspended. After the congressional is processed and signed by the Director, it is handcarried to the congressional office.

1-8. FOIA REQUESTS.

a. FOIA requests received at IBO-C. All written requests for information that reference the Freedom of Information Act will be faxed to the FOIA Office for further processing.

b. FOIA requests received from the FOIA Office. The request is logged in the FOIA Register. It is then forwarded to the appropriate division chief for processing. Information must be completed by the suspense date, or an extension requested. When the FOIA is completed, it is returned to the Support Division, logged out of the register, and handcarried to the FOIA Office.

c. The following records may be released without requiring the customer to go through the FOIA Office: bidders mailing list; bid abstract; solicitation; list of IBO-C contract administrators; name of incumbent contractor and total amount of the award; credit card listing (without the account number, credit limit and phone number); and modifications (with no cost/pricing data). All requests for other than routine information should be directed to the FOIA Office. They should be in writing; indicate they are requesting under the FOIA; specify the records they seek; and, include a willingness to pay processing costs.

1-9. FORMS AND SUPPLIES. Each Division is responsible for their forms and supplies.

1-10. MAIL.

a. The mail run is scheduled for 9:30 AM on work days for delivery and pick up of mail at the Fort Bragg Post Office. Mail picked up will be taken to the IBO-C Mail Room to be processed.

b. All mail to be taken to the Post Office must be in the Mail Room NLT 9:15 AM. The mail must be properly addressed, which means typed or machine printed in capital letters with no punctuation except the dash in the zip code. Handwritten labels and envelopes are not acceptable.

c. All mail must be metered; therefore, no mail will be taken off-post for mailing.

d. All express mail (Ft Bragg Form 2083, PS Form 3811 and Label 11-B) must be completed and submitted to the Mail Room not later than 9:15 AM daily to ensure next day delivery. Express mail will be sent on Friday only when coordination has been done with the recipient and they will receive the mail on Saturday.

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Justification must support any request for urgent mailing on 2083. Exceptions will be coordinated with the Chief, Support Division.

1-11. MANAGEMENT CONTROLS.

a. The Management Control Program is mandated by Federal Law and Department of the Army Regulation. The program is designed to assist in the evaluation of policies, procedures, management controls and improvements of operations.

b. Contracting and Purchasing are considered high risk areas because of the potential for fraud, waste and abuse. Supervisors and key personnel are responsible for management control test measures. These individuals will establish procedures and measures to ensure areas of responsibility comply with the appropriate management review checklist. The Policy and Compliance Branch is the POC for Management Controls.

1-12. PERFORMANCE STANDARDS/APPRAISALS. The Total Army Personnel Evaluation System (TAPES)

requires supervisors and employees to engage in face to face counseling sessions to establish annual performance standards. Mid-year reviews are required for each employee. Annual appraisals are to cover the timeframe 1 Nov through 31 Oct each year for employees grades GS-3 through GS-12. They are due to IBO-CPAC NLT 15 Dec. GS/GM-13 and above, and intern appraisals are due to CPAC on 15 Aug for the timeframe 1 Jul – 30 Jun each year.

1-13. PROPERTY ACCOUNTABILITY. The following procedures shall be followed concerning equipment issued to the hand receipt holder for IBO-C: no equipment will leave the building for any reason before it has been cleared through the hand receipt holder; and prior to turn-in, division chief will notify hand receipt holder of the equipment to be turned in. Adherence to these procedures is necessary to ensure proper accountability of all equipment issued to IBO-C.

1-14. PURCHASE REQUESTS. All purchase requests will be turned in at the Mail Room. The mail clerk will date stamp all requests and forward to the appropriate division.

1-15. REGISTERS. The following list contains registers that are not in the computer system, and where they are maintained:

- a. Acquisition Plan (Formal) – Contracting Division
- b. Contract Review Board (POM/PNM) – Policy & Compliance
- c. DD Form 2579 – Contracting Division
- d. FOIA Requests – Mail Room
- e. J & A – Contracting Division
- f. Solicitation Review Board (Formal) – Policy & Compliance
- g. Unauthorized Commitment – Purchasing Division

1-16. RETENTION AND DISPOSAL OF CONTRACT FILES. The procedure for handling, storage and disposal of contract files shall be IAW FAR and DFARS.

a. Purchasing Division. The files will be maintained in the Basement File Room until they are closed. At the end of the FY, the files will be sent to Records Holding for the applicable retention period. The files include Purchase Orders, Delivery Orders, and cancelled solicitations (B and R). The retention period for BPAs and other contract documents using simplified acquisition procedures is 1 year after final payment; these documents will be maintained at the buyer's desk or Basement File Room. Records for the other business centers will be maintained at that center for one year and sent to IBO-C at the end of the FY to forward to Records Holding.

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- b. Contracting Division. Education Service Agreements and cancelled solicitations will be maintained in the contracting division for the appropriate retention period and destroyed.
- c. Contract Administration Division. Completed contracts will be maintained in Contract Admin or Basement File Room for 12 months after completion, then sent to Records Holding for the applicable retention period.
- d. Support Division. Annually, or more often if needed, Support Division will coordinate the move of files from the various areas to Records Holding. All Divisions and satellites will be notified of the dates the records will be assembled and sent to Records Holding.

1-17. SIGNATURE ON DOCUMENTS.

- a. Travel Orders. Division Chiefs are designated as the requestor with the Budget Assistant as the approving authority. The Director is the approving authority for travel orders for Division Chiefs.
- b. Purchase Requests. Budget Assistant will sign the DA Form 3953 in the Supply Officer and Funding Blocks. The Requestor will sign as Initiating Officer. The Chief, Support Division will approve as Commanding Officer's designee.
- c. Outgoing Correspondence. Authority to sign outgoing correspondence is delegated to Division Chiefs. As exceptions, the Director will sign correspondence when it is addressed to Garrison Commander or General Officer; Federal agencies, including Congress; PARC; and when the subject may be controversial.
- d. Contract Documents. All contractual actions that require review or approval by the Director will be submitted through the Chief, Support Division to the Director. The Chief, Support Division will review the actions and recommend changes, if any, to the Contracting Officer prior to forwarding to the Director.

1-18. STANDARDS OF CONDUCT.

- a. All personnel directly or indirectly concerned or associated with any phase of procurement are required to be knowledgeable of and comply with DOD 5500.7-R, Joint Ethics Regulation.
- b. The Support Division is responsible for publishing information pertaining to the standards of conduct.

1-19. TRAINING, TDY ORDERS, AND TRAVEL VOUCHERS. Refer to Training Memorandum of Instruction, 25 November 1995.

1-20. VENDOR MANAGEMENT. Vendor management is the responsibility of each division. The information needed to enter a vendor is: company name, address, phone number, business size, corporate status and tax identification number.

SECTION 2 – CONTRACTING

2-1. PROCEDURES FOR NOTIFYING ACTIVITIES OF PROJECTED REQUIREMENTS USING THE ADVANCE ACQUISITION PLAN. All requirements listed in the Advance Acquisition Plan have "New Contract Package" suspense dates identified. The date is based on the type of requirement (service or supply) and the total dollar amount. Letters of notification for new contract packages are sent to the using activity allowing for the most probable Contract Administrative Lead Time. That letter also assigns a Contract Specialist to the requirement. The Contract Specialist is responsible for setting up working meetings with the activity, contract

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administrator on the current contract, and any other necessary personnel to review and work all areas associated with the requirement. Areas to be reviewed and worked shall consist of specifications, performance requirements summary, quality assurance surveillance plan, bid schedule, and any other area necessary for submission of a complete package by the due date of that package. Contracting Division will generate all letters of notification with a suspense date, and will monitor the activities' responses to ensure timely receipt of new contract packages.

2-2. SOLICITATIONS.

a. Prior to preparation of solicitation, Lease versus Purchase Analyses and Independent Government Estimates (IGEs) will be forwarded to Support Division for review by Cost/Price Analyst.

b. Solicitations will be reviewed in the following order (as applicable):

(1) Cost/Price Review. All RFPs with an estimated cost between \$100,000 and \$500,000 shall be forwarded to Support Division for a review of inclusion of appropriate cost/price clauses and provisions by the Cost/Price Analyst. The Cost/Price Analyst shall have no more than two workdays turnaround on these reviews.

(2) Support Division Review. All solicitations over \$500,000 (to include options, if applicable), and each solicitation, regardless of dollar value, that may result in a cost reimbursement, time and materials, multi-year, Job Order Contract (JOC), Full Food Service (FFS), labor-hour, or Commercial Activities (CA) contract shall be forwarded to Support Division for review prior to forwarding to OSJA for review. Solicitations for commercial items are exempt from this review. The complete solicitation file and checklist (Appendix A) will be provided. Seven (7) work days will be allowed for Cost/Price Analyst, SADBUs Specialist, Property Administrator, and Procurement Analyst to complete the review.

(3) OSJA Review. All solicitations with an estimated cost of \$100,000 or more shall be reviewed by the Office of Staff Judge Advocate. Legal review may be requested for projects estimated under \$100,000 when warranted. When sending a solicitation for other than full and open competition, it will include the Justification and Approval (J&A). The exception is acquisitions using unusual and compelling urgency, where the J&A can be executed after award. After legal review, Contracting Officers are responsible for coordinating with OSJA any changes made to the solicitation.

(4) Solicitation Review Board (SRB). A SRB is established IAW FFARS to review, prior to release, all solicitations over \$500,000 (to include options, if applicable), and each solicitation regardless of dollar value, that may result in a cost reimbursement, time and materials, multi-year, Job Order Contract (JOC), Full Food Service (FFS), labor-hour, or Commercial Activities (CA) contract. An informal SRB is defined as individuals who review the solicitation without the members convening as a group. Results will be documented to include corrective action taken. The formal SRB is required when formal source selection procedures are used. The Contract Specialist will obtain a SRB Number from Policy & Compliance; schedule the SRB; and provide copies of the solicitation to all members of the Board three (3) days prior to the SRB. Each member will review the solicitation and discuss their comments at the SRB. The Formal SRB will consist of the following: Chairperson – Director of Contracting. Alternate Chairperson – Chief, Support Division; Legal Counsel; Procurement Analyst; Cost/Price Analyst; SADBUs; Property Administrator; Contract Administrator/Contracting Officer; technical personnel including QA; Contracting Officer and Contract Specialist; and observers. The Contract Specialist will address all solicitation issues discussed during the meeting. The resolution of these comments will be forwarded to Chief, Support Division who will give final approval on the SRB Cover Sheet (see Appendix B) prior to sending the solicitation for printing.

c. Distribution will be as listed on the Distribution Sheet located in the solicitation.

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d. Amendments to Solicitations. Amendments will be prepared and given the same distribution as the solicitation. The opening/closing date will be extended, if necessary, to allow bidders a reasonable time to acknowledge and return the amendment.

2-3. JUSTIFICATION AND APPROVAL (J&A).

a. J&A shall be completed in compliance with Part 6 of the FAR and Supplements. The format is located in the AFARS.

b. When immediate action precludes normal processing of a J&A, a memorandum for the Director will be prepared upon receipt of the unusual and compelling justification. A sample memorandum is at Appendix C.

c. J&As are not required for contracts using simplified acquisition procedures. Contracts for other than full and open competition which are awarded using simplified acquisition procedures must include in the file a statement, signed by the contracting officer, justifying the use of other than full and open competition.

2-4. RECEIPT AND HANDLING OF BIDS AND PROPOSALS.

a. Receiving Point and Time-date Stamp. All bids and proposals shall be received in the Mail Room and promptly time-date stamped on the envelope. If the envelope will not fit in the time-date clock, a white index card will be stamped and affixed to the package.

b. Regular Mail. Regular mail is picked up from the Fort Bragg Post Office on the mail run at 9:30 AM on work days. When bids are received in the regular mail, the mail clerk will notify the procurement technician, who will pick up the bids and deposit them in the bid box. When proposals are received in the regular mail, the mail clerk will notify the contract specialist, who will pick up and secure the proposals.

c. Handcarried Documents by Walk-in Customers. When bids and proposals are handcarried to the Mail Room by contractors, delivery persons, etc., the same procedures in paragraphs a and b above will apply.

d. Opened by Mistake. If an envelope or package is opened and discovered to be a bid or proposal, procedures IAW FAR shall be followed.

e. Late Bids and Proposals. When a late bid or proposal is received, it will be promptly given to the Contracting Officer, unopened, for determination.

f. Revised Proposals. The above procedures also apply to receipt of revised proposals.

g. Access to Bid Box. The bid box is secured with a combination lock and the only personnel with access to the bid box are Contracting Division personnel as follows: Division Chief, Contracting Officers, Procurement Technician and Secretary. The procurement technician has the primary responsibility for opening the bid box to put bids in; and on bid opening day, the procurement technician will open the bid box at the appropriate time, take the bids out of the box and deliver them to the bid opening officer in the bid opening room.

h. Time. On the morning of bid opening day, the mail clerk will telephone 6-TIME to verify the correct time on the telephone and will synchronize the time-date clock. The telephone time will be used by the bid opening officer to declare the time of bid opening has arrived.

i. Information regarding bids and proposals. Before opening, information concerning the identity and number of bids received shall be made available only to Government employees on a "need to know" basis.

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Requests for proposals are covered by the same non-release restriction before closing. However, there is one major difference regarding information after opening/award:

(1) On Invitations for Bid (IFB) the prices and identities of bidders are public knowledge at and after the bid opening.

(2) On Requests for Proposal (RFP) none of the information contained in them or concerning the number or identity of offerors shall be made available to the public or anyone in the Government except as otherwise authorized. Pricing information on RFPs is only available in rare instances after award through Freedom of Information Act channels.

2-5. BID OPENING AND PROPOSAL CLOSING.

a. Bid Opening. The Contracting Officer shall ensure that a duly appointed bid opening officer is assigned to conduct each bid opening. The bid opening officer shall conduct the bid opening IAW FAR Part 14. All bid openings will be scheduled for 1:00 PM unless there is a conflict. Bid recording clerk shall assist the bid opening officer by bringing the bids to the bid opening location, obtaining the names of individuals attending the bid opening, and recording the bids. The bid opening officer shall introduce himself/herself by name and state that he/she is the bid opening officer and that time for opening the bids has arrived. After bids have been opened, the bid opening officer will advise the bidders that bids will be evaluated, that they will be notified when award is made, and that their bids are appreciated.

b. Proposal Closing shall be at 3:00 PM. The Contract Specialist will process the proposals in accordance with regulations.

2-6. REQUESTS FOR COST/PRICE SUPPORT.

a. Some form of price analysis is required in connection with every procurement action; the degree and method will depend on the particular procurement. The following actions will be forwarded to Support Division for formal cost/price analysis:

(1) Contracting Division.

(a) All sole source procurements over \$100,000.

(b) All negotiated procurements requiring PARC approval of the POM/PNM.

(c) All regionalized/consolidated procurements.

(d) Competitive procurements (IFBs or RFPs) over \$100,000 when the degree of competition is greater than 15%, when the range between the low bid/offer and the IGE is greater than 15%, when only one nonjustifiable bid/offer is received, or when an IFB may be a candidate for conversion to negotiation.

(e) Any other for which the Contracting Officer wishes assistance from the Cost/Price Analyst.

(2) Contract Administration Division. Contract modifications with proposals over \$100,000 and any other for which the Contracting Officer wishes assistance from the Cost/Price Analyst.

(3) Purchasing Division. Any actions for which the Contracting Officer wishes assistance from the Cost/Price Analyst.

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b. The Cost/Price Analyst will be allowed the following turnaround times on actions submitted for formal cost/price analysis unless other timeframes are agreed to by the Contracting Officer and Chief, Support Division, or the Contracting Officer and Cost/Price Analyst. Contracting Officers shall include these timeframes in their initial milestones:

(1) Price Analysis. Written analysis with recommendations will be provided to the Contracting Officer within five (5) workdays (excludes Holidays) after receipt of the request for price analysis.

(2) Cost Analysis. Written analysis with recommendations will be provided to the Contracting Officer within twenty (20) workdays (excludes Holidays) after receipt of the request for cost/price analysis.

c. When requesting cost/price analysis, the following shall accompany the request:

(1) All bids/proposals to the solicitation or modification.

(2) Complete solicitation file to include any Determinations of Nonresponsive Bids, Technically Unacceptable Offers, or Mistakes in Bid with legal review and concurrence (Contracting Division only).

(3) Pre-Award Section of contract file containing the Determination of Fair and Reasonable Price and/or POM/PNM, Contract Section with all previous modifications, and Modification Backup Section for all previous modifications (Contract Administration Division only).

(4) Technical Evaluation, if required.

(5) DCAA Audit, if required.

(6) IGE to include a written justification from the Government estimator regarding method and rationale used for computing the IGE.

(7) Contract/Purchase Order files for previous or existing contracts/orders to include pre-award, contract/order, and all modifications (Contracting Division only).

(8) Any other pertinent information which may not be included in any of the above.

d. The Cost/Price Analyst will be available to participate in negotiations, if requested by the Contracting Officer.

e. The Cost/Price Analyst should be included in all "other than routine" meetings convened to discuss the following topics: method of contracting (i.e., IFB vs RFP, firm-fixed price vs cost reimbursement, time and materials, requirements, or Basic Order Agreement); Section B format; IGE preparation; price or cost evaluation techniques, procedures, or factors; or basis of award. The Cost/Price Analyst should also be included in all Pre-Work Conferences for services.

f. Completion of the Prenegotiation Objective Memorandum (POM) and Price Negotiation Memorandum(PNM). A POM which sets forth the significant details of the proposed contracting action and the course the Contracting Officer proposes to pursue shall be prepared, reviewed, and approved on all negotiated procurements prior to commencing negotiations with any Offeror. A PNM which states the results of negotiations shall be prepared, reviewed, and approved immediately after negotiations have been closed and prior to award of the contractual action. The following procedures for preparation, review, and approval of these documents differ depending on type of evaluation procedures, anticipated type of contract, and/or dollar value:

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(1) Negotiated firm-fixed price actions under \$5,000,000 using other than formal source selection procedures, and all negotiated actions other than firm-fixed price under \$3,000,000 to include time-and-materials and labor-hour contracts using other than formal source selection procedures. The Contract Specialist/Administrator shall prepare the POM/PNM in a locally established format. If award is to be made without discussions, the PNM will be combined with the POM; this will be the only instance in which a separate PNM will not be required. The POM/PNM will be reviewed by the Contracting Officer and approved at a level above the Contracting Officer.

(2) Negotiated procurements using formal source selection procedures regardless of dollar value, negotiated firm-fixed price actions of \$5,000,000 or more, and all other negotiated actions of \$3,000,000 or more to include time-and-materials and labor-hour contracts.

(a) Preparation of POM. The POM will be prepared in the format required by FFARS. The Cost/Price Analyst will provide input to Sections III, IV.I, VIII, and IX and will complete Sections V, VI, and VII. If the Contracting Officer agrees with the Cost/Price Analyst's recommendations, Sections V, VI, and VII will be inserted in the POM as written with input to Sections III, IV, VIII, and IX incorporated accordingly. If the Contracting Officer does not agree with the Cost/Price Analyst, the Contracting Officer will compose these sections, but insert the figures provided by the Cost/Price Analyst for the columns titled "Contract," "DCAA," and "Price/Technical." The Contracting Officer will then insert his/her cost objective in the column titled "Objective." The Contract Specialist/Administrator or Contracting Officer will prepare the remaining sections and sign as the "Preparer" in Section I, POM Cover and Signature Page.

(b) Preparation of the PNM. The PNM will be prepared in the format required by FFARS. The Contract Specialist/Administrator or Contracting Officer responsible for the action will prepare the PNM and the Contracting Officer will sign as the "Preparer" on the PNM Cover and Signature Page. The Cost/Price Analyst will be available, however, to assist in completion of the PNM. This assistance could be in the form of a final cost/price analysis, update of spreadsheets included in the POM to reflect negotiated figures, or specific assistance as requested by the Contracting Officer, all to be determined on a case-by-case basis or as recommended by the Cost/Price Analyst in the initial analysis for the POM. When no negotiations are to be conducted, a combined POM/PNM shall be prepared to document how the Contracting Officer determined the Offeror's ability to perform at a fair and reasonable price. If approval is granted by the CRB Chairperson and PARC to waive the PNM, it must still be prepared.

(c) Review and Approval. PARC approval of the POM and PNM is required. All negotiated procurements requiring PARC approval of the POM and PNM must first be reviewed by the Contract Review Board (CRB). The Contract Specialist/Administrator will prepare the CRB Cover Sheet (Appendix D). The Contracting Officer will submit the POM or PNM and appropriate backup to Chief, Support Division for review. After the POM or PNM has been reviewed by the Support Division, the Contracting Officer will forward a copy of the POM or PNM to the OSJA for review prior to requesting review by the CRB. After all reviews have been completed, the Contract Specialist/Administrator will obtain a CRB Number from the Policy and Compliance Branch, Support Division, and schedule the CRB. A flow chart for the CRB POM and PNM is at Appendix E. Unusual and compelling urgency POMs and PNMs will be handled on a case-by-case basis.

(i) The CRB will consist of the following: Chairperson-Director of Contracting, or Alternate Chairperson-Chief, Support Division; Legal Counsel; Procurement Analyst; Cost/Price Analyst; SADBUS; Property Administrator; Contracting Officer and/or Division Chief; Contract Specialist or Contract Administrator; Technical Representative; and Observers. The CRB advisory and review duties are prescribed by FFARS and other appropriate authority. The CRB comments will be forwarded to the FORSCOM PARC's Office along with the POM and PNM. If the PARC approves a request to waive the PNM, the Contract Specialist/Administrator must still prepare the PNM; however, it does not have to be provided to the PARC's Office prior to

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award, but within 15 calendar days after award. PNMs that have been waived must also be forwarded to the Support Division for review prior to submitting to the PARC's Office.

(ii) The purpose of the CRB review shall be to ensure that the Contracting Officer has met all requirements of law, executive orders, procurement regulations and other applicable procedures before the contract is entered into; that the proposed contractual action represents sound business judgement and represents the best interests of the Government; that the proposed contractual action has been reviewed for legal and technical sufficiency; and that the contract file has been fully documented in accordance with procedures outlined in FAR, DFARS, AFARS, and FFARS.

(iii) The depth of review of a proposed contractual action may vary to the extent determined by the CRB Chairperson.

2-7. CANCELLATION OF REQUIREMENTS – ACTIONS NOT AWARDED. Actions not awarded due to no bids being received or unreasonable prices will be coordinated with the requesting activity and returned with a written explanation as to why no award was made. The activity will be asked to review the requirement and resubmit the action for solicitation if their requirement still exists. When no bids are received, the contract specialist should contact several vendors to ascertain why no bids were received and document the file.

2-8. TRANSFER OF CONTRACTS FOR ADMINISTRATION. Contracts will be transferred to Contract Administration Division when all preaward functions have been completed. All contracts that do not have a completed DD Form 350 at the time of award (i.e., indefinite-delivery contracts and contracts awarded subject to availability of funds) shall be accompanied by a SAMPLE DD FORM 350 to be used as a guide for completing the 350 when a delivery order over \$25,000 is issued or funds become available.

2-9. POST-AWARD CONFERENCE.

a. Effective administration depends on continual observation and inspection of contractor's performance, written records of deficiencies, and submission of deficiencies to the contractor for corrective action. To assure timely performance, we must ensure the contractor has a clear understanding of his responsibilities under the contract, and the government's rights in areas of noncompliance which can be imposed. These responsibilities may be conveyed at the post-award conference which shall be conducted prior to commencement of work.

b. Construction contracts in excess of \$2,000 and service contracts in excess of \$2,500 which are performed on Government premises shall be evaluated to determine the need of a post-award conference. The conference shall be scheduled with the contractor and technical personnel and allow sufficient advance notice for all to become thoroughly familiar with the project and any potential problems to be resolved at the conference.

c. Participants. The conference will be scheduled by the Administrative Contracting Officer. In addition to contracting personnel, conference participants should include: technical personnel, contractor personnel, and others directly affected, i.e., safety, fire, security, maintenance, etc.

d. Procedure. The contract administrator or contracting officer may chair the conference. The chairperson will ensure the attendance sheet is signed by all parties present. The chairperson will fully record discussions of the conference by memorandum for record (MFR).

2-10. NOTICE TO PROCEED. The notice to proceed will establish the time for commencement of work, and, if applicable, completion of work. The notice will be issued by letter after receipt of acceptable performance and payment bonds, and proof of required insurance. Contractor will not be required to commence performance prior

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to the commencement date stated in the contract or in the notice to proceed. If the contractor initiates performance prior to stated dates, such action is at his risk and without liability on the part of the Government.

2-11. COMMENCEMENT OF WORK ON CONSTRUCTION AND SERVICE CONTRACTS. The contractor is generally required to commence work within a minimum number of days or on a specified date. Contractors will be instructed to notify this office of the date they will commence work. The contract administrator will ensure this information is furnished to the COR. CORs will be instructed to notify this office immediately if the contractor fails to commence work as specified.

2-12. CONTRACT PROGRESS SCHEDULES AND CONTRACT PROGRESS REPORTS FOR CONSTRUCTION CONTRACTS.

a. FORSCOM Form 59-R, Contract Progress Schedule, will be used to satisfy the requirements of clause FAR 52.236-15, Schedules for Construction Contracts. Submission will be made by the contractor within 15 days after receipt of Notice to Proceed. The contractor's proposed progress schedule will be reviewed by the COR. If acceptable, the COR will complete the appropriate signature elements. The Contracting Officer will approve the schedule and return one copy to the contractor and to the COR. The original will be retained for the contract file. If the proposed plan is unacceptable, it will be returned to the contractor with explanation for resubmission. If the original completion date is extended by four or more weeks, a revised progress schedule will be submitted by the contractor.

b. FORSCOM Form 59-1-R, Contract Progress Report, will be furnished monthly. The contractor and COR will each prepare and submit an independent report. When there is a 5% or more variance between the two reports, appropriate action will be taken to resolve the difference. Any difference between the contractor's reports and the approved progress schedule should be explained by the progress report. Upon contract completion, the actual completion date will be entered on the form.

2-13. MATERIAL SUBMITTALS ON CONSTRUCTION CONTRACTS. All materials and/or articles requiring approval shall be submitted by the contractor using ENG Form 4025-R, Transmittal of Shop Drawings, Equipment Data, Material Samples, or Manufacturer's Certifications, in accordance with the clause FAR 52.236-5, Material and Workmanship. ENG Form 4288-R, Submittal Register, may be used as a log to track multiple submittals received for a single contract.

2-14. QUALITY CONTROL.

a. The contract administrator will ensure the COR functions in accordance with the appointment letter and that the COR files contain documentation of day-to-day actions. Such documentation includes, but is not limited to, evidence that contractor received notifications, directions, or instructions from the COR, evidence of any required reinspections, final inspection and acceptance.

b. The COR will furnish the Contracting Officer inspection report as required. FB Form 1670 shall be used on all construction contracts, and FB Form 1670-1 shall be used on service contracts which are of a technical nature or large dollar value; i.e., custodial, food service, school bus service, etc. If a FB Form 1670-1 is furnished for the service contract, the contract administrator shall periodically review the COR's files to ensure that service is received in accordance with the contract, that records of all deficiencies are forwarded to this office, and that payment is reduced when services were not performed or when performance is unsatisfactory. The contract administrator will document the file that inspection has been performed.

c. The contracting officer will furnish the COR copies of all pertinent correspondence.

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2-15. SITE VISITS. Essential to sound contract administration practices is a general knowledge of the job site as well as the contractor's progress. The administrator will visit the job site on a routine basis. The contract file shall be documented with a MFR for each site visit. Safety equipment will be worn when visiting a construction job site.

2-16. LABOR COMPLIANCE OF CONSTRUCTION CONTRACTS. Regular checks will be made to ensure compliance with the labor standards of the contract. SF 1445, "Labor Standards Interview," will be used for recording interviews, and compliance checks will be performed on a routine basis. Contractor payrolls and statements will be reviewed, special compliance checks made, and labor investigations conducted IAW clause FAR 52.222-8, Payrolls and Basic Records. If a labor standard violation is suspected, funds in an amount equal to the estimated underpayment and liquidated damages will be withheld IAW FAR 52.222-4, Contract Work Hours and Safety Standards Act – Overtime Compensation.

2-17. DISPUTES. When an actual/potential dispute or an actual/potential claim for extras is received, every effort will be made to resolve the issue to the satisfaction of both parties under the terms and conditions of the contract. However; should this effort fail, the contracting officer will issue a final decision letter pursuant to the "Disputes" clause of the contract. Findings and decisions and draft final decision letters will be reviewed by OSJA and approved by the Chief, Contract Administration Division, prior to release.

2-18. TERMINATION OF CONTRACTS. All termination actions that exceed \$100,000 shall be reviewed by OSJA and approved by the Chief, Contract Administration Division. All termination actions shall comply with FAR Part 49, and Supplements.

2-19. FOLLOW-UP PROCEDURES ON CONTRACTS.

a. Supply Contracts. As of the contract completion date, the requiring activity will be contacted to ascertain if items have been received. If the items have not been received, the following actions will be taken: Contact the contractor to determine if the items have been shipped. If the items have been shipped, obtain shipping data and request contractor initiate a tracer to ensure delivery. If the contractor has not initiated shipment, a "Show Cause Notice" will be issued. The contractor's reply will be promptly evaluated to determine if the following actions should be taken: termination, forbear, or extend delivery schedule for excusable cause. No delivery schedule will be extended without excusable cause unless the government received adequate consideration.

b. Construction Contracts. The basis for follow-up on construction is a weekly progress report furnished by the COR/Technical Representative/Inspector. In the event the contractor falls appreciably behind his proposed schedule (15% below), the Contract Administrator will coordinate with the COR to determine if the contractor should be directed to take specific actions IAW FAR 52.236-15, Schedules for Construction Contracts. The contractor will be required to advise in writing the manner in which the rate of progress will be regained. In the event the completion date is not met, the contractor will be charged liquidated damages IAW the contract.

c. Service Contracts. Follow-up of contractor performance on service contracts is conducted by review of weekly inspection reports, weekly/monthly meetings as required by either the contracting officer, contract, or customer. The contractor shall be notified of unsatisfactory performance by the contracting officer in the following manner: notification letter, weekly meetings, contract discrepancy report and cure notice. The contract administrator shall ensure that an adequate suspense system is in place to monitor contract requirements, and closely review each contract assigned to ensure all actions are processed accurately and promptly and that a viable inspection system exists.

2-20. PERFORMANCE EVALUATION OF CONSTRUCTION AND SERVICE CONTRACTORS.

a. Contractor's performance evaluation will be prepared on all construction and service contracts

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exceeding \$100,000. Contractor's performance will be posted in Contractor's Performance Record Book located in Contract Administration Division for each service contract exceeding \$100,000 and for each construction contract for which a DD Form 2626, Performance Evaluation (Construction Contracts), is not required.

b. DD Form 2626 shall be prepared in original and two copies for each construction contract of: \$500,000 or more; and more than \$10,000 if the contract was terminated for default (FAR Part 36) (DFARS 236.201). Distribution will be completed within 20 calendar days after final acceptance of the work or at time of contract termination, as follows: The original will be retained in the contract file for a minimum of six years after date of the report. One copy will be sent to: US Army Engineer Div, North Pacific, ATTN CENPD-CT, PO Box 2870, Portland, OR 97208-2870. One copy will be filed in Contractor's Performance Book.

c. Before making a determination of responsibility IAW Far Part 9, the contracting officer shall consider performance reports (DD Form 2626) as required by DFARS Part 236.

d. Army Past Performance Information Management System (PPIMS) will be utilized IAW AFARS Part 42 and instructions from FORSCOM.

2-21. REVIEW OF UTILITY CONTRACTS. Pursuant to DFARS Part 241, Acquisition of Utility Services, annual reviews of ongoing contracts will be conducted. Reviews will be documented in the form of a memorandum. The Contracting Officer responsible for utility contracts will ensure that reviews are conducted, and filed in applicable contract file.

2-22. CONTRACT FILE MAINTENANCE, CLOSEOUT AND DISPOSITION. Before closing files on service contracts for which weekly inspection reports are being furnished, the Contract Administrator will review the administrative files maintained by the COR. Any information not already in the file will be included in the contract file prior to closing the contract. Contract files shall be maintained, closed out and disposed of in accordance with FAR 4.804 and AR 25-400-2, The Modern Army Recordkeeping System (MARKS).

SECTION 3 – SIMPLIFIED ACQUISITION PROCEDURES

3-1. PURCHASE REQUEST.

a. All DA Forms 3953, Purchase Request and Commitment (PR), shall be delivered to the mail room. The mail clerk will date stamp the DA 3953 and forward all purchase requests to the appropriate division for entry. All purchase requests must contain the correct Federal Supply Class (FSC) or service code.

b. All DD Forms 1348-6 shall be delivered to the mail room. The mail clerk will verify that all DD Forms 1348-6 listed on the transmittal memorandum are attached. If they are, the mail clerk will date stamp the original memorandum and copy. The original is attached to the DD Forms 1348-6 and forwarded to the appropriate division for entry into SAACONS. Purchasing Division will file and maintain funding transmittal. The copy of the transmittal memorandum should be given to the customer as a receipt of documents. If the mail clerk notes a discrepancy on the transmittal memorandum, he/she should annotate the discrepancy on the memorandum (original and copy) prior to forwarding the memorandum to the appropriate division and before giving the customer his copy of the transmittal memorandum. All DD Forms 1348-6 must contain the correct FSC or service code.

c. Purchasing Agents will review purchase requests for obvious errors and return those documents which fail to meet the requirements of Fort Bragg Regulation 715-1. Additionally, purchase requests will be reviewed to determine if they are within the micropurchase threshold and, if so, will be returned to the unit for

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purchase using IMPAC procedures. Prior to returning any purchase request, the activity will be informed telephonically of the specific discrepancy and the Returned Without Action (RWOA) memorandum documented with the name of the individual contacted. Purchase actions will be initiated on all acceptable purchase requests in accordance with the Federal Acquisition Regulations (FAR) and supplements.

3-2. PURCHASE ACTION.

a. Purchasing Agent shall review each purchase request for commodity assigned items, determine the method of purchase, sources of supply and solicit quotations and delivery time. The preferred method of soliciting will be through Electronic Data Interface (EDI). Quotations may also be solicited orally or in writing. Written solicitations shall be used where EDI solicitation is not appropriate and (i) the supplier will not quote telephonically, (ii) special specifications are involved, (iii) a large number of items are included in a single proposed procurement, or (iv) obtaining oral quotations is not considered economical. In some situations, hard copies of quotations are necessary and the Purchasing Agent shall obtain sources of supply from the SAACONS data base.

b. Awards made through EDI shall be forwarded to the vendor electronically. Distribution will be made to appropriate offices.

c. Supplies, or services expected to exceed \$2,500 for which it is impracticable to secure competition, must be supported by a sole source justification (see Ft. Bragg Reg 715-1) and determination of fair and reasonable price. In the event reasonableness of price cannot be determined, the Division Chief may request assistance from the cost/price analyst.

3-3. RENTALS. Each request for rental shall have a justification showing that it would be more economical to rent than to purchase (FAR 7.401). Rental of copiers, electronic easels, word processors, mag cards or other type memory equipment must be approved by the Information Technology Business Center (ITBC). The ITBC is responsible for obtaining and approving the justification for rental of these items.

3-4. FOLLOW-UP PROCEDURES.

a. The purchasing agent assigned to administer the purchase order will suspense the order for the day following the due-in date or performance date. On the suspense date, the purchasing agent will verify if the item was received or service rendered timely. If the vendor has not performed, the purchasing agent will contact the vendor and take appropriate action; i.e., determine new delivery date, cancel order, etc. The activity will be notified of revised dates and the file suspended for this revised date. The purchase order will be modified to further reflect this change. The purchasing agent should attempt to receive consideration for late deliveries.

b. A written notice will be furnished to the purchasing agent of any discrepancies in orders issued. The order or contract number, details of the discrepancy and corrective action desired must be shown.

(1) Requesting activities are responsible for promptly notifying the purchasing agent, in writing, when materials or services are not received by the dates specified on the orders or contracts. First notification should state if the item or services are still needed and be addressed to the purchasing agent listed on the order, be routed through the Chief, Purchasing Division, IBO-Contracting.

(2) The purchasing agent will initiate follow-up action on discrepancies, delinquent delivery or performance and provide written response within 10 working days after written notification from the requiring activity. A copy of all follow-up actions will be suspended and maintained at the purchasing agent's desk, readily available for review.

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3-5. DISTRIBUTION. Distribution will be executed by the Support Division.

SECTION 4 – UNSOLICITED PROPOSALS

4. PROCEDURES. Unsolicited proposals shall be forwarded to Chief, Support Division, who shall serve as Coordinating Office and shall be responsible for:

- a. Acknowledging to the contractor receipt of proposal.
- b. Determining that the proposal:
 - (1) contains sufficient technical and cost information to permit a meaningful evaluation, and
 - (2) has been approved by a responsible official or authorized representative of the organization submitting the proposal, or a person authorized to contractually obligate the organization.
- c. Ensuring that the proposal is marked for limited use of data in accordance with FAR 15.509.
- d. Coordinating proposal with proper activity for evaluation, if applicable.
- e. Notifying Contractor of findings.
- f. Disposition of proposal.

SECTION 5 – UNAUTHORIZED COMMITMENTS

5-1. UNAUTHORIZED COMMITMENT INQUIRIES. The Chief, Purchasing Division will assist customers who inquire about whether or not an unauthorized commitment has occurred. If it is determined that an unauthorized commitment has occurred, the individual will be referred to a contracting officer who will process the action. If it is determined that it is not an unauthorized commitment and there is another process to solve the problem, the individual will be advised of that method.

5-2. RATIFICATION OF UNAUTHORIZED COMMITMENTS. The FORSCOM HCA delegated to the Director of Contracting, Fort Bragg authority to approve ratification actions for amounts of \$25,000 or less.

5-3. RATIFICATION PROCEDURES.

- a. Unauthorized commitments will be ratified on FORSCOM Form 121-R, Request for Approval of Unauthorized Commitment, 1 Apr 96, or other forms as directed by the IBO-C.
- b. When an unauthorized commitment has been made, the Contracting Officer shall forward the appropriate form to the unit/activity with appropriate guidance for completion of applicable sections.
- c. The unit/activity will return the completed form to the Contracting Officer.
- d. The Contracting Officer shall complete the Contracting Officer's Review, Part IV, and coordinate with OSJA for legal review.

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e. Upon completion of a through d above, the Contracting Officer will forward the completed Form 121-R with appropriate documentation to Procurement Clerk, Purchasing Division. Procurement Clerk will assign a control number and prepare coordination with the appropriate individuals as directed by FFARS.

f. After coordination is complete, the package will be returned to the Contracting Officer for appropriate action.

SECTION 6 – CONTRACTING REPORTS

6-1. INDIVIDUAL PROCUREMENT ACTION REPORT (DD FORM 350).

a. DD 350 reports shall be done in SAACONS. All corrections shall be done in SAACONS.

b. Support Division will enter DD 350s for contingency contracting and others who are unable to use SAACONS.

c. Support Division will coordinate with the appropriate division to correct errors received from FORSCOM and HQDA.

d. The buyer/Contracting Officer is responsible for completing the DD 350. The buyer/Contracting Officer shall file the original in the contract file.

e. The Support Division shall submit the monthly file of DD 350s electronically to HQ, Forces Command, no later than five (5) work days after the end of the reporting period.

6-2. CONTRACT AUDIT REPORTS. In order to establish the tracking of Contract Audit Reports as discussed in AFARS 15.890-2, the following procedure shall be followed:

a. All contract audit requests will be issued a contract audit number for the purpose of requesting, receiving, and tracking. The Contracting Officer is responsible for forwarding the audit request to the Support Division. The Contracting Officer will ensure that the information called for in AFARS 15.890-2(b) is included in the audit request.

b. Cost/Price Analyst will:

(1) Review the package.

(2) Establish a central file.

(3) Issue an audit control number and forward package to the cognizant Administrative Contracting Officer or the cognizant audit office.

c. The Contract Audit Report (RCS DD-IG(SA)1580) is the responsibility of the Support Division and will be prepared in accordance with AFARS 15.890-3.

(signed) WALTER H. WARFEL
Director
IBO-Contracting

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APPENDIX A

DATE: _____

CHECKLIST – SOLICITATION REVIEW

Division Chief shall forward the solicitation in final typed form, and the file with supporting documentation.

THRU: Chief, Contracting Division

TO: Chief, Support Division

1. Solicitation Number
2. Description
3. Total dollar value of contract
4. Date received and requiring activity
5. Type funds
6. Type contract
7. Option provisions
8. Statutory cost limitations
9. Government furnished property
10. Contract Specialist

Contracting Officer's Signature

Additional Information:

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APPENDIX B

SOLICITATION REVIEW BOARD COVER SHEET	
SOLICITATION REVIEW BOARD NUMBER	
SRB SESSION DATE/TIME	
SOLICITATION NUMBER	
AMOUNT	
CUSTOMER	
DESCRIPTION	
CONTRACT TYPE	
SOLICITATION REVIEW BOARD MEMBERS	
NAME	TITLE
	Chairperson
	Legal Counsel
	Procurement Analyst
	Cost/Price Analyst
	SADBUS
	Property Administrator
	Contracting Officer/CD
	Contract Specialist
	Contracting Officer/CAD
	Contract Administrator
	Technical Representative
	Observer
	Observer
	Observer
SUMMARY OF MINUTES:	

DATE

APPROVED

SOURCE SELECTION INFORMATION - SEE FAR 3.104

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APPENDIX C
SAMPLE

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DATE

MEMORANDUM FOR Director, IBO-Contracting

SUBJECT: Unusual and Compelling Urgency Procurement (FAR 6.303-2)

1. Description – Purchase 300 night vision sights.
2. Customer – G-3 (82d Abn Div).
3. Estimated Amount - \$148,000.00

Reason for Urgency – These night sights are needed by 28 February 1997 in order to support the 82d during a Classified mission.

Connie Contracting
Contracting Officer

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APPENDIX D

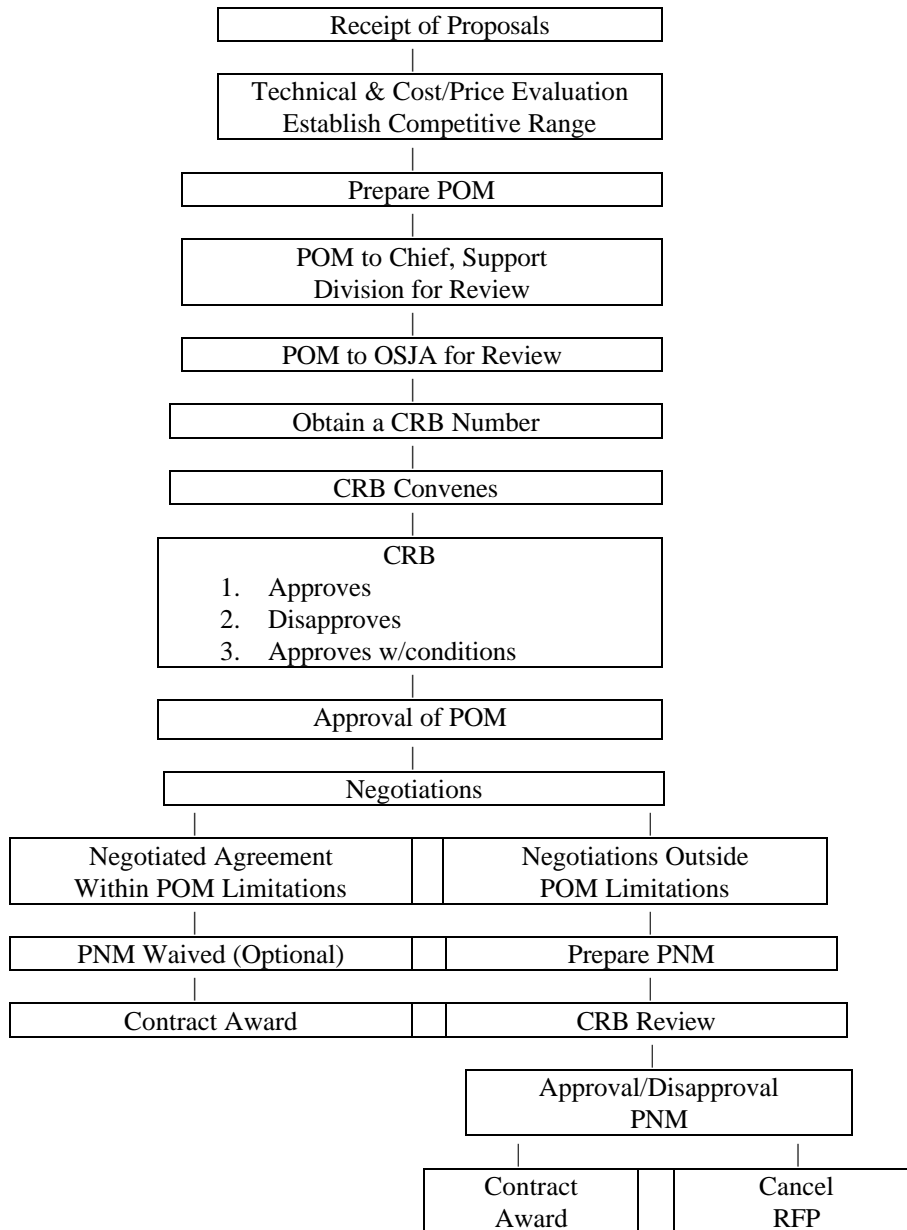
CONTRACT REVIEW BOARD COVER SHEET // POM // PNM	
CONTRACT REVIEW BOARD NUMBER	
CRB SESSION DATE/TIME	
SOLICITATION/CONTRACT NUMBER	
AMOUNT	
CUSTOMER	
DESCRIPTION	
CONTRACT TYPE	
CONTRACT REVIEW BOARD MEMBERS	
NAME	TITLE
	Chairperson
	Legal Counsel
	Procurement Analyst
	Cost/Price Analyst
	SADBUS
	Property Administrator
	Contracting Officer/CD
	Contract Specialist
	Contracting Officer/CAD
	Contract Administrator
	Technical Representative
	Observer
	Observer
	Observer
CONTRACT REVIEW BOARD ACTION	
<input type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED WITH CONDITIONS (see summary)	
<input type="checkbox"/> DISAPPROVED SIGN: _____ DATE: _____	
SUMMARY OF CONTRACT REVIEW BOARD DISCUSSION:	

SOURCE SELECTION INFORMATION – SEE FAR 3.104

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APPENDIX E

FLOW CHART FOR POM/PNM



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APPENDIX F

FREEDOM OF INFORMATION AND PRIVACY ACTS

1. GENERAL.

a. The Freedom of Information Act (FOIA) provides for prompt, maximum release of Federal Records to the public unless such requested records are specifically exempt from mandatory public disclosure under the Freedom of Information Act. Only the Secretary of the Army and the Initial Denial Authority (IDA) at HQDA specified by AR 340-17 may deny a request for Army records. All Freedom of Information Act requests must be acted upon within 10 working days as provided by law, and only the Army General Counsel can authorize an extension of the 10-day limit.

b. The Privacy Act of 1974 provides basic safeguards to protect the personal privacy of individuals. Department of the Army policy is to protect individuals against an unwarranted invasion of personal privacy; to allow individuals to know what records are maintained on them; and to allow individuals access to such records. The sole denial authority for access to, or amendment of, any record is the Access and Amendment Refusal Authority (AARA) designated by AR 340-21.

2. RESPONSIBILITIES.

a. The Director of Information Technology Business Center is responsible for appointing the Installation Freedom of Information Act/Privacy Act Officer. The Installation FOIA/PA Officer acts as proponent for AR 340-17 and AR 340-21, assigns action on requests for information to the appropriate staff office or subordinate command, and directs centralized control and coordination on Freedom of Information Act requests received by this headquarters.

b. Staff Directors, Activity Chiefs, and Major Subordinate Commanders will appoint, in writing, a Freedom of Information Act coordinator for their activities. Major Subordinate Commanders exercising general courts-martial jurisdiction will designate a Privacy Act Officer. Staff Directors, Activity Chiefs, and Major Subordinate Commanders that do not exercise general courts-martial jurisdiction will appoint a Privacy Act Coordinator.

3. PROCEDURES.

a. Any request received by any installation official; i.e., staff directors or subordinates, that either explicitly or implicitly cites the Freedom of Information or Privacy Act will immediately be hand carried or faxed to the Information Services Division, ITBC (Room 211, Building 2-1127). Under no circumstances will a response be made to the requestor. Telephonic requests for information will be referred to the Information Services Division, ITBC.

b. The appropriate staff section or subordinate command will be telephonically contacted to pick up a Freedom of Information Act request and return the requested documents/information to the FOIA Officer by an established suspense date, normally two days. Suspense dates are set to comply with the 10 working day limit established by law and cannot be extended. Once documents are received by the FOIA Officer, further review and coordination by other staff sections (i.e., IBO-C, PAO, Commercial Activities, OPSEC, etc.) may be necessary. When all staff reviews are complete, documents are forwarded to the OSJA for a legal review and release determination. If information is releasable, the FOIA Officer releases the information. If information is exempt from release, documents are forwarded to the proper Initial Denial Authority at HQDA.

c. All requested documents and/or information must be furnished to the FOIA/PA Officer. This includes classified documents. Determination to release or deny the information cannot be made without the documents. Comments by the proponent of a document concerning its release will be considered during the review process, but under no circumstances will the requested documents be withheld by the proponent.

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d. Requests will be coordinated by the FOIA/PA Officer with the Office of the Staff Judge Advocate to determine if information is releasable and to obtain legal opinions. In the event a determination is made that the requested information is exempt from release, the FOIA/PA Officer will coordinate with the Initial Denial Authority and follow procedures outlined in AR 340-17. Publication of material or information containing Privacy Act controlled data will be coordinated through the Installation Privacy Act Officer.